

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DISTRICT**

JP MORGAN CHASE BANK, NATIONAL  
ASSOCIATION,

Plaintiff,

v.

ROBERT KOWALSKI, AKA ROBERT M.  
KOWALSKI; UNKNOWN OWNERS AND  
NON-RECORD CLAIMANTS; CHICAGO  
TITLE LAND TRUST COMPANY s/i/i TO  
BRIDGEVIEW BANK GROUP FKA  
BRIDGEVIEW BANK AND TRUST COMPANY,  
AS TRUSTEE UNDER TRUST AGREEMENT  
DATED APRIL 24, 1993 AND KNOWN AS  
TRUST NUMBER 1-2228; MARTHA  
PADILLA; FEDERAL DEPOSIT INSURANCE  
CORPORATION, AS RECEIVER FOR  
WASHINGTON FEDERAL BANK FOR  
SAVINGS,

Defendants.

Case No. 1:19-CV-05770

1512 W. Polk Street  
Chicago, IL 60607

**JOINT STATUS REPORT ON DISCOVERY**

The parties hereby jointly submit this Status Report on Discovery pursuant to Court Order.  
(See Dkt. 161).

**A. PROGRESS ON DISCOVERY**

1. The remote deposition of Defendant Martha Padilla was completed on September 27, 2021. At the deposition and on the record, Padilla agreed to produce documents concerning transfer of the beneficial interest in the subject property to her. The production of those documents by Padilla remains outstanding.

2. Plaintiff JPMorgan Chase Bank, National Association (“Chase”), Defendant Federal Deposit Insurance Corporation, as Receiver for Washington Federal Bank for Savings (the

“FDIC-R”), and Defendant Martha Padilla otherwise have completed fact discovery in compliance with the September 30, 2021 discovery deadline.

3. Discovery remains stayed as to Third-Party Defendant First Midwest Bank pending disposition of First Midwest Bank’s *Motion to Dismiss Padilla’s First Amended Third-Party Complaint*. (See Dkt. 141.)

4. Defendant Martha Padilla proposes a stay of expert discovery in this case pending resolution of *First Midwest Bank’s Motion to Dismiss Padilla’s First Amended Third-Party Complaint* and *Chase’s Motion for Summary Judgment as to the First Affirmative Defense of Defendant Martha Padilla*.

5. Chase does not oppose this proposed stay. First Midwest Bank does not have a position on this proposed stay.

6. Defendant FDIC-R opposes a stay of expert discovery at this time. The FDIC-R’s position is that Martha Padilla raises the defense of forgery to the Second Amended Counterclaim and has the burden to prove that defense. If she needs to offer expert testimony to support her defense, then such expert discovery, which is not affected by the third-party complaint against First Midwest Bank, should not be stayed.

**B. PROGRESS ON SETTLEMENT DISCUSSIONS.**

There has not been any significant progress on settlement since the settlement conference on May 13, 2021.

**C. ANY OTHER ISSUES TO REPORT TO THE COURT.**

First Midwest Bank’s *Motion to Dismiss Padilla’s First Amended Third-Party Complaint* is now fully briefed. Plaintiff *JPMorgan Chase Bank, N.A.’s Motion for Summary Judgment as to the First Affirmative Defense of Defendant Martha Padilla* also is fully briefed.

**SUBMITTED JOINTLY AND BY AGREEMENT OF THE PARTIES:**

Date: September 30, 2021

**PLAINTIFF JPMORGAN CHASE BANK,  
NATIONAL ASSOCIATION**

/s/ Shana A. Shifrin

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**DEFENDANT MARTHA PADILLA**

/s/ Joseph R. Ziccardi

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**DEFENDANT FEDERAL DEPOSIT  
INSURANCE CORPORATION,  
AS RECEIVER FOR WASHINGTON  
FEDERAL BANK FOR SAVINGS**

/s/ Eric S. Rein

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**THIRD-PARTY DEFENDANT FIRST  
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